

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 7730**

**BILL NUMBER:** SB 498

**NOTE PREPARED:** Apr 4, 2005

**BILL AMENDED:** Mar 31, 2005

**SUBJECT:** Ordinance Violations.

**FIRST AUTHOR:** Sen. Server

**FIRST SPONSOR:** Rep. Hinkle

**BILL STATUS:** 2<sup>nd</sup> Reading - 2<sup>nd</sup> House

**FUNDS AFFECTED:** X GENERAL  
X DEDICATED  
FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** (Amended) This bill has the following provisions:

- A. It allows a defendant against whom a judgment is entered in an action to enforce an ordinance to perform community restitution or service instead of paying a monetary judgment.
- B. It allows a county or municipality to establish fines for ordinance violations of not more than: (1) \$2,500 for a first violation of an ordinance; and (2) \$7,500 for a second or subsequent violation of an ordinance that does not regulate traffic or parking.
- C. It provides that cities, towns, and counties may require: (1) licensing of teen clubs; (2) criminal history background checks of owners and employees of teen clubs; (3) statements concerning the criminal background of employees of teen clubs; (4) age restrictions for individuals who may enter teen clubs; and (5) restrictions on the hours of operation of teen clubs.

**Effective Date:** July 1, 2005.

**Explanation of State Expenditures:** (Revised) *Provision C* -- The State Police Department may experience an increase in expenditures for processing limited criminal histories if additional requests are made as a result of this bill. However, the Department charges a fee for the limited criminal history

**Explanation of State Revenues:** (Revised) *Provision C* -- The State Police Department charges a \$7 fee for the release of limited criminal histories. Additional requests for criminal histories would generate revenue for the Department. In FY 2004, revenue of \$1.4 M was generated from the issuance of limited criminal histories. The fiscal impact is dependent on the number of additional requests made.

**Explanation of Local Expenditures:** Ordinances are civil laws that are created by local units of government. Generally, ordinances control the levels of noise during certain hours of the day, speed limits on locally maintained roads, conditions of private property, and other local conditions. Persons violating ordinances can be assessed a judgment by a court but can not be imprisoned.

*Provision A* could allow some tasks to be performed by individuals who would work for a local government in lieu of paying a judgment. Based on the activities of other community corrections and probation programs, work might include lawn maintenance, snow removal, furniture or office moving, general cleanup and maintenance, painting, lot and alley clean up, unloading supplies, and trash removal. Depending on whether a work program already exists, a county or city program may need to add more supervisors if more persons are assigned to a community work program.

(Revised) *Provision C* -- This bill allows a city, town, or county to adopt an ordinance regulating a teen night club. The fiscal impact is dependent on local action.

**Explanation of Local Revenues:** *Provision B* -- Current statute allows a maximum fine of \$2,500 for most ordinance violations. The bill allows a county or municipality to establish a maximum fine of \$7,500 for second and subsequent violations that do not involve traffic or parking ordinances. Depending on a defendant's ability to pay, this provision could increase the revenue that local governments might collect. The statute is silent on where the fees from municipal ordinance violations would be deposited. However, by accounting practice and directive of the State Board of Accounts, this revenue is deposited in the local general fund. Consequently, any additional revenue from these judgments would be deposited in the general fund of the county or city government.

**State Agencies Affected:** State Police.

**Local Agencies Affected:** Municipal and county governments.

**Information Sources:** Charles Pride, State Board of Accounts.

**Fiscal Analyst:** Mark Goodpaster, 317-232-9852.